

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,
Plaintiff,

vs.

ROBERT MURPHY, Superintendent, et al.,
Defendant's.

FILED
2004 NOV -1 P 2:47

U.S. DISTRICT COURT
C.A. NO. 04-10226-MEL.

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, Sandy J. Battista, acting pro-se in the above entitled matter, hereby gives notice of her voluntary dismissal of the Complaint in this action. As reasons, plaintiff states as follows:

1) On 5/25/04, this Court (Lasker, J.) denied plaintiff's Application to Proceed Without Prepayment of Fees.

2) On 6/1/04, plaintiff filed her notice of intent to file an [Interlocutory Appeal] to the United States Court of Appeals from this Court's denial of her application.

3) On 10/13/04, the Appeal's Court denied plaintiff's interlocutory appeal, declaring that this Court did not error in denying plaintiff's request to proceed in forma pauperis.

4) As of date, plaintiff's funds have depleted drastically since her original filings above, due to necessary personal hygiene and clothing purchases. And as such, plaintiff is [at present] without adequate funds to pay the filing fee in this matter, and therefore, must under duress voluntarily abandon the action at issue.

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Dated: 10/21/04.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sandy J. Battista", is written over a horizontal line.

Sandy J. Battista, #M-15930
Plaintiff/Pro-se
Mass. Treatment Center
30 Administration Rd.
Bridgewater, Mass. 02324

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30 Administration Rd.
Bridgewater, Mass. 02324

Dated: 10/21/04.

Clerk of Court's
U.S. District Court
1 Courthouse Way, Suite 2300
Boston, Mass. 02210

RE: Battista vs. Murphy, Superintendent, et al.
C.A.No.04-10226-MEL.


Dear Clerk:

Please find enclosed for filing in the above-entitled matter the following:

- Plaintiff's Notice of Voluntary Dismissal.

Thank you for your attention in this matter.

Sincerely,


Sandy J. Battista, #M-15930
Plaintiff/Pro-se

cc: S.J.B.(FILE)